

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC A. TYNDALL,

Defendant.

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8:06CR89

ORDER

This matter is before the court on the motion of defendant Eric A. Tyndall (Tyndall) for a psychiatric evaluation pursuant to 18 U.S.C. § 4241 (Filing No. 17). The court held a hearing on the motion on June 7, 2006. Appearing at the hearing were Tyndall, his appointed counsel, Joseph S. Risko, and Assistant U. S. Attorney Frederick D. Franklin. Tyndall presented an affidavit from his guardian ad litem (Exhibit 101). Such affidavit established a basis to question the competency of Tyndall to stand trial in this matter. The government had no objection to the motion. The request for a psychiatric evaluation will be granted on a dual basis both as to competency and as to mental responsibility at the time of the offense.

IT IS ORDERED:

1. Defendant Tyndall's motion for a psychiatric evaluation (Filing No. 17) is granted.
2. Pursuant to 18 U.S.C. § 4241, Tyndall is committed to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period of time, not to exceed thirty (30) days, to determine whether Tyndall is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
3. A psychiatric or psychological report shall be filed with the court with copies provided to counsel of record at the completion of the period of examination.
4. Upon receipt by the court and counsel of the examination report, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of Tyndall to stand trial in this matter.
5. Tyndall's conditions of release are continued. However, Tyndall shall surrender to the U.S. Marshal for the District of Nebraska, at such time and place as directed by the U.S. Marshal for the District of Nebraska for transportation to the facility designated by the Attorney General to conduct the evaluation.

DATED this 7th day of June, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge